

REMARKS

- Claims **1-6, 21-26, 36-40 and 55-56** are currently pending;
- Each of the pending claims stands rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,942,574 to LeMay.
- Claims **1-6, 21-26, 36-40 and 55-56** are in condition for allowance.

1. Section 102 Rejections

Claims **1 – 6, 21 – 26, 36 – 40, 55 and 56** stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,942,574 to LeMay et al. (“LeMay” herein). Applicants respectfully traverse the rejection of these claims based on the reasons presented below.

1.1 Independent Claims 1 and 21

The Examiner reasserted, virtually verbatim, the grounds for rejection asserted in the previous Office Action (Final Office Action, sections 4 and 14). In response, Applicants reassert that each of independent claims **1 and 21** recite the following limitation that is not taught or suggested by LeMay:

- *Outputting a message to a player via the game machine, the message comprising a recommendation of the feature [of the game machine]*

Specifically, LeMay, in all of the sections cited by the Examiner in support of the rejection of independent claims **1 and 21** and in the remainder, merely

describes providing *access* to particular content or content source based on certain information (e.g., a player identifier). However, LeMay is completely devoid of any description of *recommending* a feature of a gaming device. Providing access to content or a content source by making it available to a player is different from recommending content or a content source, much less from recommending a feature of a game machine.

It is clear that recommending the feature is distinct from merely outputting a message. LeMay, at most, can be characterized as outputting a message (e.g., by outputting an indication of content or sources that the player has access to). But LeMay does not address recommending content or a content source, much less recommending a feature and does not enable how such a recommendation may be determined or accomplished.

In the Response to Arguments section, the Examiner asserted:

28. In regards to the argument of claims 1, 21, and 55 rejections, the teaching for outputting a message to a player via the game and the message comprising a recommendation of the feature. (See Abstract). The abstract shows a player receiving a personal messages, “that is of particular interest to the player utilizing the gaming machine”, such would be the list of features available to the player.

Applicants respectfully assert that the Examiner is in error when characterizing the teachings of LeMay. The relevant portion of the Abstract, to which the Examiner refers, recites, in its entirety:

In addition, the player utilizing the gaming machine may receive personal messages on the gaming machine. For example, while utilizing the gaming machine, a player may receive, e-mail, stock

quotes, news and advertising that is of particular interest to the player utilizing the gaming machine.

As is evident, LeMay teaches numerous forms of personal messages including e-mail, stock quotes, news, and advertising. As is also evident, contrary to the Examiner's assertion, none of these personal messages is disclosed to be a "list of features available to the player." A detailed examination of LeMay, including an electronic search, reveals only two unique references to a list, specifically, a "list of one or more entertainment content sources" and a "content list 265 of entertainment content sources". It is therefore evident that the "list" to which the Examiner refers is not a list at all, but rather one or more personal messages. Further, to the extent that LeMay discloses any list, it is a list of content sources, not features of the gaming machine as claimed.

Applicants note that claim 1 recites, in part, outputting a message comprising a recommendation of a feature of the game machine, **the feature being selected based on the gaming activity**. It is therefore further evident that assuming, arguendo, that the personal messages of LeMay comprise "features available to the player", there is no teaching or suggestion that such messages include a **recommendation of a feature of the game machine** or that such **features are selected based on the gaming activity** as claimed.

For all of these reasons, it is clear that LeMay fails to teach or otherwise suggest *outputting a message to a player via the game machine, the message comprising a recommendation of the feature [of the game machine]* as recited in claim 1. Claim 1 is therefore in condition for allowance. As claims 21 and 55 recite language similar to that discussed above with reference to claim 1, they are likewise in condition for allowance.

Dependent claims **2 – 6** are each dependent from independent claim **1** and are thus patentable at least for the same reasons as independent claim **1**.
Dependent claims **22 – 26** are each dependent from independent claim **21** and are thus patentable at least for the same reasons as independent claim **21**.

1.2 Independent claims 36 and 38

Independent claims **36 and 38** each recite the following set of limitations that are not taught or suggested by LeMay:

- *determining a first representation of the message and a second representation of the message;*
- *outputting the first representation of the message to a first player at a game machine; and*
- *outputting the second representation of the message to a second player at a game machine*

In other words, the same message is output via two representations, one representation being output to a first player and a second representation of the same message being output to a second player. LeMay fails to describe such a feature. In LeMay, if messages are output to two different players, the messages may be different for the two different players (e.g., a first message may be output to a first player and a second message may be output to a second player) but there is no description in LeMay of determining the same single message and outputting two different representations of it to two respective players. For example, if a menu of available content is output to two different players, the menu output to the first player may list content different from the menu output to the second player.

However, this is two different messages, not two different representations of the same message.

The Examiner reasserted, virtually verbatim, the grounds for rejection asserted in the previous Office Action (Final Office Action, section 30). In the Response to Arguments section, the Examiner asserted:

30. In regards to the arguments to claims 36 and 38 rejections, determining multiple massaging for multiple players can be summarize in the abstract where it says “a player may receive, e-mail, stock quotes, news, and advertising”, the examiner deems that these forms of messages have to be different and unique to a player for the exception of news, constituting a first message and a second message and outputted accordingly.

Applicants respectfully assert that the Examiner is in error when characterizing the teachings of LeMay. Applicants further assert that the Examiner is incorrect when characterizing the elements of claims **36 and 38**.

First, contrary to the Examiners assertion, there is no teaching or suggestion that the “forms of messages have to be different and unique to a player”. Simply put, LeMay teaches, at most, that personal messages can be output to a player. There is no teaching of any other player and no teaching that, were there to be another player to whom a message was output, such a hypothetical message would differ from the disclosed personal messages.

Second, contrary to the Examiner’s assertion, claim **36** does not recite a player receiving two different messages. Rather, as noted above, claim **36** recites outputting **the same message via two representations**, one representation being output **to a first player** and a second representation of the same message being

output **to a second player**. It is therefore evident that LeMay does not teach or otherwise suggest *determining a first representation of the message and a second representation of the message, outputting the first representation of the message to a first player at a game machine, and outputting the second representation of the message to a second player at a game machine* as recited in claim **36**. For all of these reasons, claim **36** is in condition for allowance. Claim **38** recites language substantially similar to that discussed above with reference to claim **36** and is likewise in condition for allowance.

Dependent claim **37** is dependent from independent claim **36** and thus patentable at least for the same reasons as claim **36**. Dependent claim **39** is dependent from independent claim **38** and thus patentable at least for the same reasons as claim **38**.

1.3 Independent Claim 40

Independent claim **40** recites the following limitation that is not taught or suggested by LeMay:

- *suppressing output of the message,*
wherein suppressing output of the message includes delaying
output of the message until a trigger condition is satisfied

Applicants have once again reviewed the entirety of LeMay and have been unable to find any description of suppressing a message from being output after the message has been determined, much less suppressing it by delaying the output of the message until a trigger condition is satisfied.

In the Response to Arguments section, the Examiner asserted:

31. In regards to the argument to claims 40 and 55 rejection, “suppressing output of the message” the examiner understands that inherently all messages are pre-created and held, kept, delayed or suppressed until time of transmittal or delivery. (Col 11:56 – Col 12:5).

Applicants allow that LeMay teaches, generally, at the above citation, creating a message and sending the message to a gaming machine. However, Applicants respectfully assert that the Examiner is incorrect when characterizing the nature of messages. Assuming, arguendo, that a single clock tick of a processor, typically on the order of a fraction of a billionth of a second, passes between determining a message and outputting the message, such a passage of time would amount to holding, keeping, or delaying the output of the message. In each such instance, the passage of time is an inherent characteristic of the sequence by which a message is determined and outputted and involves no affirmative action to delay the outputting of the message.

In contrast, *suppressing* a message requires an affirmative action to prevent the outputting of a message. Applicants therefore respectfully assert that the Examiner is in error when asserting that “inherently all messages are pre-created and held, kept, delayed or **suppressed** until time of transmittal or delivery”. (emphasis added). It is most emphatically not the case that messages are **inherently suppressed** until a time at which they are transmitted. In addition, claim 40 does not merely recite that the output of the message is suppressed. Rather, claim 40 recites that suppressing the output of the message *includes delaying output of the message until a trigger*

condition is satisfied. It is further most emphatically not the case that messages are inherently suppressed until a trigger condition is satisfied.

For all of these reasons, claim **40** is in condition for allowance. For the reasons discussed above with reference to claim **40**, claim **55** is likewise in condition for allowance.

1.4 Dependent claim 56

Dependent claim **56** recites the following claim limitation that is not taught or suggested by LeMay:

- *data indicating how a result of the gaming activity would have been different if the recommended feature had been activated during the gaming activity*

Applicants respectfully reassert that LeMay is completely devoid of any description of outputting a message that includes data indicating how a result of gaming activity would have been different if the recommended feature had been activated during the gaming activity. In fact, LeMay is completely devoid of any description of a feature that may affect the result of gaming activity if it is activated.

In the Response to Arguments section, the Examiner asserted:

33. In regards to the argument to claim 56 rejection, “data indicating how a result would have been different if the feature had been activated”, would be considered gambling training as such are the marketing videos in most gambling hotel resorts. These marketing messages would be available to the player in LeMay et al as described in the abstract.

Applicants respectfully assert that the Examiner's reference to gambling training videos is insufficient to allow the Applicant's to respond effectively and, furthermore, that the reference fails to teach or suggest all of the elements of claim **56**.

First, contrary to the Examiner's assertion, there is nowhere stated in the abstract of LeMay the availability of marketing messages. Second, even if there were disclosed marketing videos, there is no teaching or suggestion by LeMay, nor an assertion by the Examiner, that such marketing videos would indicate *how a result of the gaming activity would have been different if the recommended feature had been activated during the gaming activity*. As a result, the Examiner has failed to make a sufficient prima facie case for the rejection of claim **56**. Claim **56** is therefore in condition for allowance.

Conclusion

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

Applicants believe a two-month extension is necessary for this Response to be timely. Accordingly, there is enclosed a petition for a two-month extension of time. Please charge any additional fees that may be required for this Application to Deposit Account No. 50-0271. Furthermore, please grant a petition for any additional extension of time which may be necessary to make this Response timely.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number (203) 461-7317 or via electronic mail at jambroziak@walkerdigital.com.

Respectfully submitted,

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